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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

GUSTAVO COLIN LOPEZ,

Defendant.

No. CR 10-00823-JW

~~PROPOSED~~ ORDER OF DETENTION
PENDING TRIAL

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing regarding defendant GUSTAVO COLIN LOPEZ was held on December 29, 2010. Defendant was present, represented by his attorney Vicki H. Young, Esq. The United States was represented by Assistant U.S. Attorney Thomas A. Colthurst.

Part I. Presumptions Applicable

There is probable cause based upon the indictment to believe that the defendant has committed an offense for which a maximum term of imprisonment of 10 years or more is prescribed in 21 U.S.C. § 801 et seq., § 951 et seq., or § 955a et seq.

This establishes a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the

DETENTION ORDER
10-00823-JW

FILED

JAN - 5 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

community.

Part II. Rebuttal of Presumptions, If Applicable

The defendant has not come forward with sufficient evidence to rebut the applicable presumption, and he therefore will be ordered detained.

Part III. Written Findings of Fact and Statement of Reasons for Detention

The Court has taken into account the factors set out in 18 U.S.C. § 3142(g) and all of the information submitted at the hearing and finds as follows:

- An indictment has been returned naming the defendant in one count charging a violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(A)(viii). This offense carries a maximum term of imprisonment of life and a minimum term of imprisonment of ten years.

- The charge in the indictment establishes a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community

- The Court finds that there is a serious risk that the defendant will not appear for his court appearances in this case and that he is a danger to the community based on the presumption in favor of detention, the defendant's extensive criminal record (including prior narcotics convictions and a prior arrest for providing false information to a peace officer), and the defendant's ties to Mexico and history of prior deportations.

- The defendant has not rebutted the applicable presumption.

Part IV. Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on the request of an attorney for the Government, the

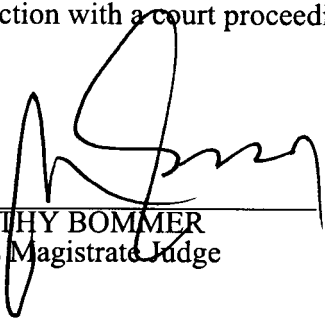
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1 person in charge of the corrections facility shall deliver the defendant to the United States
2 Marshal for the purpose of an appearance in connection with a court proceeding.

3 IT IS SO ORDERED.

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5 DATED: 1/5/10


6 HON. TIMOTHY BOMMER
United States Magistrate Judge